

REMARKS/ARGUMENTS

Claims 19-37 are pending in this application. By this Amendment, Applicant AMENDS claims 19-37.

Claims 19-37 were objected to for allegedly containing minor informalities. Applicant has amended claims 19-37 to delete the word "type." Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 19-37.

Claims 19-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Horii et al. (U.S. 6,253,868). Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Horii et al. in view of Imani (U.S. 4,445,585).

Applicant respectfully traverses the rejections of claims 19-37.

Claim 19 has been amended to recite:

A saddle riding vehicle comprising:
a head pipe that supports a steering shaft so as to rotate freely;
a body frame including a main frame that is connected to the head pipe and extends obliquely downward to the rear of the vehicle, and a pair of left and right subframes that are connected to the main frame and extend obliquely downward to the rear; and
a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below. (emphasis added)

Applicant's claims 32 and 34 recite features that are similar to the features recited in Applicant's claim 19, including the above-emphasized features.

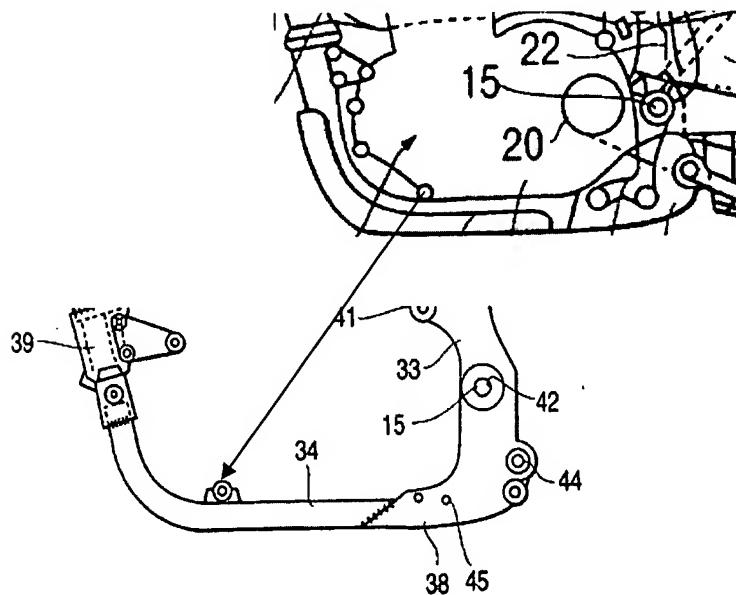
With the unique combination and arrangement of features recited in Applicant's claim 19, and similarly Applicant's claims 32 and 34, including the features of "a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below," Applicant has been able to provide a reduction in the weight and the width of a body frame while maintaining the strength of the body frame and a low height of the portion ahead of the seat of the vehicle (see, for example, paragraph [0007] of Applicant's specification).

The Examiner alleged that Horii et al. teaches all of the features recited in claims 19, 32, and 34 including a main frame 5 and a pair of subframes 40, 50 arranged to

support a motor 8.

Applicant has amended claim 19, and similarly claims 32 and 34, to recite the features of "a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below." Support for these features is found, for example, in paragraphs [0054] and [0076] of Applicant's originally filed specification and Figs. 1 and 2 of Applicant's originally filed drawings.

In contrast, as illustrated by the arrow connecting a portion of the motor 8 shown in Fig. 2 of Horii et al. to a boss disposed on the lower pipe 34 shown in Fig. 3 of Horii et al., the main frame of Horii et al. clearly supports the motor 8 from below. Horii et al. does not remotely teach or suggest that the motor 8 could or should be suspended from the main frame 5 and the subframes 40, 50 such that the motor 8 is not also supported from below.



Thus, Horii et al. clearly fails to teach or suggest the features of "a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below," as recited in Applicant's claim 19, and similarly Applicant's claims 32 and 34.

With further respect to claim 32, the Examiner alleged that the motor 8 of Horii et al. is "supported and suspended from the mainframe and subframes (Fig. 2) in two locations" (see, for example, pages 3, lines 5-6 of the outstanding Office Action).

Applicant has amended claim 32 to recite the features of "a motor supported and suspended in two locations spaced in a front to rear direction by each of the respective subframes such that the motor is not supported from below." Support for these features is found, for example, in paragraph [0076] of Applicant's originally filed specification and Fig. 1 of Applicant's originally filed drawings.

In contrast, each of the subframes 40, 50 of Horii et al. support the crankcase 13 of the motor 8 by the pivot shaft 15 in the rear direction of the subframes 40, 50, but only the left subframe 40 supports the motor 8 by the hanger attaching boss 41 in the front direction of the subframe 40. In particular, see Fig. 6 of Horii et al. which shows a protrusion on the left side of the subframe 40 between reference characters 40 and 32, which clearly corresponds to the engine hanger attaching boss 41 shown in Fig. 3 of Horii et al. However, Horii et al. does not show or describe an engine hanger attaching boss on the right subframe 50. The Examiner should note that Fig. 6 of Horii et al. shows both subframes 40, 50 as seen from the rear of the vehicle, that is, there is no other portion of the subframes 40, 50 of Horii et al. that could be used to support the engine in the front direction of the subframes 40, 50. Accordingly, the subframe 50 of Horii et al. does not support the engine 8 in two locations in a front to rear direction of the subframe 50.

Thus, Horii et al. clearly fails to teach or suggest the feature of "a motor supported and suspended in two locations spaced in a front to rear direction by each of the respective subframes such that the motor is not supported from below," as recited in Applicant's claim 32.

With further respect to claim 34, the Examiner alleged that Horii et al. teaches left and right brackets 21L, 21R and a pivot shaft 15 which penetrates "through the brackets, rear arms, and motor" (see, for example, the last sentence on page 3 of the

outstanding Office Action).

Applicant's claim 34 recites:

A saddle riding vehicle comprising:
a head pipe that supports a steering shaft so as to rotate freely;
a body frame that extends obliquely downward to the rear of the vehicle from the head pipe, the body frame including at least a pair of left and right side frames;
a motor supported by and suspended from the body frame such that the motor is not supported from below;
a rear wheel and rear arms supporting the rear wheel and extending substantially in a front to rear direction;
left and right brackets fixed to the left and the right side frames, respectively; and
a pivot shaft that penetrates through both the left and right brackets, both the rear arms, and the motor, wherein the pivot shaft attaches both the rear arms and the motor to both the brackets in a state in which the left and the right brackets are interposed between the left and the right rear arms and the motor, respectively. (emphasis added)

Although the pivot shaft 15 of Horii et al. penetrates the left and right brackets 21L, 21R, the rear arms 14, and the crankcase of the motor 8, the left and right brackets 21L, 21R of Horii et al. are not interposed between the left and right rear arms 14 and the motor 8, as recited in Applicant's claim 34. See, for example, Fig. 1 of Horii et al. which clearly shows the left and right brackets 21L, 21R arranged outside of both the motor 8 and the rear arms 14.

Thus, Horii et al. also clearly fails to teach or suggest the features of "a pivot shaft that penetrates through both the left and right brackets, both the rear arms, and the motor, wherein the pivot shaft attaches both the rear arms and the motor to both the brackets in a state in which the left and the right brackets are interposed between the left and the right rear arms and the motor, respectively," as recited in Applicant's claim 34.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 19, 32, and 34 under 35 U.S.C. § 102(b) as being anticipated by Horii et al.

The Examiner relied upon Imani et al. to allegedly cure the deficiencies of Horii et al. However, Imani et al. clearly fails to teach or suggest the features of "a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below," as recited in Applicant's claim 19, and similarly claim 34; the features of "a motor supported and suspended in two locations spaced in a front to rear direction by each of the respective subframes such that the motor is not supported from below," as recited in Applicant's claim 32; and the features of "a pivot shaft that penetrates through both the left and right brackets, both the rear arms, and the motor, wherein the pivot shaft attaches both the rear arms and the motor to both the brackets in a state in which the left and the right brackets are interposed between the left and the right rear arms and the motor, respectively," as recited in Applicant's claim 34.

Thus, Applicant respectfully submits that Imani fails to cure the deficiencies of Horii et al. described above.

Accordingly, Applicant respectfully submits that Horii et al. and Imani, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claims 19, 32, and 34.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 19, 32, and 34 are allowable. Claims 20-31, 33, and 35-37 depend upon claims 19, 32, and 34, and are therefore allowable for at least the reasons that claims 19, 32, and 34 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

Application No. 10/568,487
March 5, 2009
Reply to the Office Action dated December 23, 2008
Page 12 of 12

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Dated: March 5, 2009

/Stephen R. Funk #57,751/
Attorneys for Applicant

KEATING & BENNETT, LLP
1800 Alexander Bell Drive, Suite 200
Reston, VA 20191
Telephone: (571) 313-7440
Facsimile: (571) 313-7421

Joseph R. Keating
Registration No. 37,368
Stephen R. Funk
Registration No. 57,751